



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Interested Persons  
From: Martha Demeritt, PAC/Party/Lobbyist Registrar  
Date: July 19, 2006  
Re: Changes to the Election Law by the 122<sup>nd</sup> Legislature, Second Session

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The purpose of this memorandum is to inform the regulated community about the changes instituted by the Maine Legislature in 2006. This document is intended to be a guide only, and not a replacement for the law. If you have questions regarding the implementation of these laws, please call the Ethics Commission at 287-4179.

**Chapter 613 of the Public Laws of 2005**  
*(Effective 8/23/06)*

**3 M.R.S.A. § 315-A**

In addition to maintaining its docket of registered lobbyists and employers, the Commission must develop and maintain a public website that displays: a list of all employers that have employed a lobbyist; a list of all registered lobbyists and associates; a profile of each lobbyist and associate including contact information, names of employers, and, if provided, a photograph of the lobbyist or associate; a profile of each employer with contact information and a list of all lobbyists and associates engaged by them; and a list of all legislative actions that have been lobbied for each employer, including hyperlinks to the summary page of the Legislature's publicly accessible website for each legislative document listed.

The legislative intent behind this bill originated from the State of Wisconsin lobbyist disclosure site: (<http://www.ethics.state.wi.us/LobbyingRegistrationReports/LobbyingOverview.htm>)

**Chapter 575 of the Public Laws of 2005**  
*(Effective 8/23/06)*

**21-A M.R.S.A. § 1012(3)(A)(4) (candidate) and 21-A M.R.S.A. § 1052(4)(A) (PAC)**

The definition of candidate and political action committee (PAC) expenditures is expanded to include a payment to a person for the purpose of collecting signatures for an initiated petition.

**21-A M.R.S.A. § 1052(3)(C)**

The definition of a contribution to a political action committee is expanded to include funds received by the PAC that are transferred for the purpose of collecting signatures for an initiated petition.

**21-A M.R.S.A. § 1052(5)(A)(4)**

The definition of political action committee is broadened to include an organization that solicits funds and spends more than \$1,500 in a calendar year for the collection of signatures for a direct initiative.

**21-A M.R.S.A. § 1053**

Expenditures to collect signatures for a direct initiative are now counted toward the \$1,500 threshold which requires an organization to register as a political action committee.

**21-A M.R.S.A. § 1058**

The following sentence has been stricken from this section:

*Any person or organization organized to oppose a question to be voted on by the electorate at referendum shall report, within 10 days following the drafting of the question by the Secretary of State and prior to the distribution of any petitions for voter signatures pursuant to chapter 11, to the commission as required in this section and sections 1059 and 1060.*

**21-A M.R.S.A. § 1060(4)**

The itemized expenditures of a PAC must include those expenditures made by a person hired by the PAC for the collection of petition signatures, including the date and reason of the expenditure.

**Required Reports under Chapter 575**

- I. The Commission is required to provide the Legal and Veterans Affairs Committee, no later than September 1, 2006, a report regarding the campaign finance reports for direct initiative campaigns. The report must include the Commission's examination of the feasibility of requiring PACs to identify the direct initiative campaigns that the PACs are receiving or spending money in support of or opposition to, whether voter information pamphlets or posters published by the State and publications by PACs in support of or opposition to ballot measures should be required to include information indicating where campaign finance reports about the measure may be obtained, reducing the spending threshold that triggers reporting as a political action committee and, in the months prior to an election, increasing the frequency of reports by PACs that have raised or spent in excess of \$40,000 on a ballot measure.
- II. The Commission and the Secretary of State are required to provide to the Legal and Veterans Affairs Committee by September 1, 2006 a joint plan to provide information on their respective public websites directing the public to information about direct initiative petitions and campaign finance regarding initiatives.

**Chapter 542 of the Public Laws of 2005**  
*(Effective 4/6/06)*

**21-A M.R.S.A. § 1014(4)**

If the Commission determines that a person did not include accurate “paid for” information in a communication with the intention of misrepresenting the name or address of the person who made or financed the communication, the Commission may impose a fine of no more than \$5,000.

**21-A M.R.S.A. § 1017(8-C)**

A candidate for municipal office may now dispose of their post-election campaign surplus by making a restricted or unrestricted gift to the municipality.

**21-A M.R.S.A. § 1125(6)**

This section clarifies that a treasurer or consultant for a campaign (in addition to the candidate) may not spend Maine Clean Election Act (MCEA) funds for any purpose other than campaign-related expenditures.

**21-A M.R.S.A. § 1125(7-A)**

A MCEA candidate is now required to deposit the public funds received into an account at a bank or other financial institution. The campaign funds cannot be commingled with any other funds.

**21-A M.R.S.A. § 1125(12-A)**

The treasurer of a MCEA-funded candidate is now required to obtain and keep bank or other account statements for the campaign account for the duration of the campaign. For every expenditure of \$50 or more, the treasurer must keep an invoice from the vendor stating the particular goods and services purchased and proof that the vendor received payment such as a cancelled check or receipt from the vendor.

The treasurer must preserve these records for 2 years following the candidate’s final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the Commission upon request.

**21-A M.R.S.A. § 1127(1)**

Upon good cause shown, a treasurer, consultant, or other agent of a campaign found to have violated the MCEA may be required to return MCEA funds received by the candidate.